

Remarks/Arguments:

Claims 1-43 stand rejected. Applicants have now canceled claims 4, 10, 11, 13-16, 18-19, 21, 24-30 and 43. Independent claims 1-3, 7-9, 17, 20, 22-23 and 31-33 have been amended.

Specification

As requested, Applicants have now amended the specification, at page 8, line 20.

Information Disclosure Statement

With respect to paragraph 3 of the Office Action, it is respectfully submitted that the Information Disclosure Statement, filed on October 13, 1999, be considered for the following reasons:

The MPEP 609 IIIA(3), copy enclosed, states that where the information listed in the foreign reference is not in the English language but was cited in a search report in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance. This may merely be an "X", "Y" or "A".

As set forth in the Information Disclosure Statement, filed October 13, 1999, the Form 1449 provided a copy of the International Search Report (ISR), in both Japanese and English, which sets forth the categories "X" and "A" for the various references.

It is respectfully requested that the Examiner consider the references set forth in the Form 1449, in accordance with the MPEP.

Priority

With respect to paragraph 4 of the Office Action, the Examiner has indicated that the Applicant has not filed certified copies of the three Japanese applications. Enclosed is a copy of the Form PCT/DO/EO/903 which indicates that the DO has confirmed that copies of the priority documents were received by the DO and, thus, are in the instant file.

It is respectfully requested that the Examiner acknowledge the certified copies as being received.

Section 103 Rejections

Claims 1-6, 10, 12, 17-33 and 43 have been rejected as being obvious in view of Okuyama and Ekushingu. Applicants respectfully submit that this rejection is overcome for reasons set forth below.

Applicants' invention, as recited in amended claim 1, includes features which are not anticipated or suggested by the cited references, namely:

- transmitting-side plurality-of-authentication-rules storing means storing a plurality of types of authentication rules;
- transmitting-side authentication selecting means selecting one type of rule from the transmitting-side plurality-of-authentication-rules storing means ... ;
- transmitting-side authenticating means performing authentication in accordance with the selected authentication rule; and
- **the plurality of types of authentication rules includes a first rule configured to use a public key and a secret key to provide a first type of encryption having high-security against forgery or alteration, and**
- **a second rule configured to use a common key to provide a second type of encryption having low-security against forgery or alteration.**

Basis for amended claim 1 may be found in the specification, for example, at page 33, lines 5-8. As discussed, the authentication rules include two types of rules, such as an authentication rule using a **public key and a secret key** and an authentication rule using a **common key**.

As further discussed, at bottom of page 36 to page 37, line 4, the authentication rule that uses a public key and a secret key is good against forgery, but requires a large amount of time to process. Therefore, in case of unimportant data, the authentication rule selected uses a common key, which is weak against forgery, but requires little time to process. Accordingly, the invention, as recited in amended claim 1, **advantageously provides a plurality of types of authentication rules**. A first rule is configured to use a public key and a secret key. A second rule is configured to use a common key. The invention **advantageously allows a large amount of processing time or a short amount of processing time depending on the security level necessary**.

Okuyama, on the other hand, discloses an encryptor and a decryptor for encrypting and decrypting data corresponding to channel numbers. As admitted by the Office, Okuyama does **not** disclose stored information that includes a plurality of authentication rules. Furthermore, Okuyama does **not** disclose the added features of amended claim 1, namely:

a plurality of types of authentication rules include **a first rule and a second rule**, wherein **the first rule is configured to use a public key and a secret key to provide a first type of encryption having high security against forgery or alteration**, and **the second rule is configured to use a common key to provide a second type of encryption having low security against forgery or alteration**.

Ekushingu discloses an encryption and decryption program storage, as stated by the Examiner, for storing the encryption and decryption program corresponding to different information access levels. As understood by Applicants, however, Ekushingu does **not** disclose the added features of amended claim 1, namely, that there are a plurality of types of

authentication rules which include **a first rule and a second rule. The first rule is configured to use a public key and a secret key** to provide a first type of encryption having high security against forgery or alteration. The **second rule is configured to use a common key** to provide a second type of encryption having low security against forgery or alteration.

Applicants have now obtained a complete English translation of Ekushingu (enclosed as a further IDS). As disclosed in the English translation of Ekushingu, at page 9, bottom paragraph, Ekushingu discloses enciphered information transmitted and received via a first communication network and a decoding program transmitted and received via a second communication network. Two networks are used for purposes of minimizing the theft of Karaoke data. As discussed, chances are very low that both the enciphered information and the decoding program would be stolen. Therefore, even if the enciphered information distributed via one communication network is stolen, it is very difficult to use this stolen enciphered information without the decoding program.

As understood by Applicants, Ekushingu does **not** suggest changing the decryption program, based on the kinds of access levels required. Ekushingu does **not** suggest changing the decryption program, so that a high level of security or a low level of security may be obtained. Ekushingu does **not** obtain the **advantage** of Applicants' invention that provides **one rule** for decryption during low level of security so that processing time may be saved; and allows **another rule** for decryption during high level of security when a longer processing time may be tolerated.

As understood by Applicants, Ekushingu discloses receiving enciphered music data and from a different source separately receiving a decoding program. When Ekushingu discusses a decoding program corresponding to an access level (abstract), Applicants believe that he is referring to **only one access level**. Applicants could **not** find any discussion by Ekushingu of a **plurality of access levels, or a plurality of authentication rules**. Accordingly, as understood by Applicants, Ekushingu does **not** disclose a system having different levels of authentication rules, wherein a first type of authentication rule provides high security and uses a **public key and a secret key**, as explicitly recited in claim 1. And Ekushingu does **not** disclose a second type of authentication rule that provides a low level of security and uses a **common key**, as explicitly recited in claim 1.

Reconsideration is respectfully requested for amended claim 1.

Although not the same, claims 2-3, 7-9, 17, 20, 22-23 and 31-33 have been amended to include features similar to amended claim 1. Applicants respectfully submit that these amended claims are also not subject to rejection in view of the cited reference for the same reasons set forth for amended claim 1.

Claims 11 and 34-42 have been rejected as being obvious in view of Okuyama and Ekushingu and further in view of Jones. Applicants respectfully submit that these rejections are overcome for the reasons set forth below.

Claim 11 has been canceled. Claims 34-42 depend from amended claim 31 and, therefore, are not subject to rejection in view of the cited references for at least the same reasons set forth for amended claim 1.

Applicants further note that Jones is cited by the Examiner for a stored list for authenticating authorized computing services. Jones, however, does **not** disclose any of the features of claim 1 missing from Okuyama or Ekushingu, namely, a plurality of authentication rules, where **one rule uses a public key and a secret key**, and the **other rule uses a common key**.

Claims 7-9 and 13-16 have been rejected as being obvious in view of Ekushingu and Okuyama and further in view of Applicants' own admitted prior art (APA).

Claims 13-16 have been cancelled.

As admitted by the Examiner, at bottom of page 6 of the Office Action, Applicants APA does **not** teach storing a plurality of types of authentication rules. Claims 7-9 include features similar to amended claim 1, namely, a plurality of authentication rules, where one rule has a high degree of security and uses a public key and a secret key, and a second rule has low security and uses a common key. These features are not suggested by Applicants' APA, Ekushingu or Okuyama. Reconsideration is requested.

Claims 5-6, 12, 21 and 34-42 depend, respectively, from amended claims 1-3, 7-9, 17, 20, 22-23 and 31-33 and, therefore, are not subject to rejection in view of the cited references for at least the same reasons set forth for amended claim 1. Reconsideration is requested.

Information Disclosure Statement

On October 13, 1999, Applicants filed an Information Disclosure Statement (IDS) that included a Japanese reference cited by the Examiner, namely Ekushingu (JP Patent No. 08-214090). The Ekushingu reference was originally submitted in the IDS with only an English abstract. Applicants are now submitting a complete English translation of Ekushingu (JP Patent No. 08-214090). Applicants request that this reference be acknowledged in the enclosed Form 1449.

In the same IDS, Applicants filed an IEEE 1394 related reference. This reference was originally submitted in the IDS with an English translation. Applicants are now submitting another English translation of this IEEE 1394 reference. Applicants request that this reference also be acknowledged in the enclosed Form 1449.

CONCLUSION

Claims 1-3, 5-9, 12, 17, 20, 22-23 and 31-42 are in condition for allowance.

Respectfully submitted,



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Attorneys for Applicants

JJJ/dlm/ds

Dated: February 6, 2004

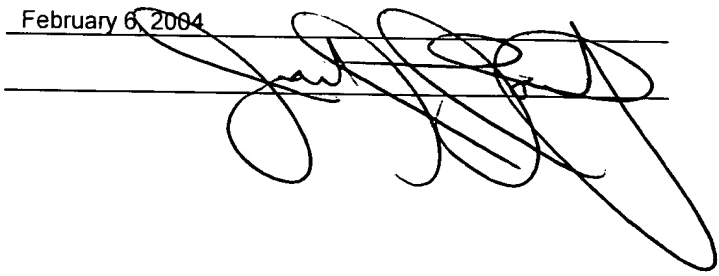
Enclosures: MPEP 609 III A (3)
Copy of IDS filed October 13, 1999
PCT/DO/EO/903
Complete English Translation of Ekushingu and Form 1449
Complete English Translation of IEEE 1394 reference and Form 1449

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 6, 2004



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Enclosure

Second, 37 CFR 1.98(c) states that when the disclosures of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative. The examiner will then consider only the patent or publication of which a copy is submitted and will so indicate on the list, form PTO-1449, or PTO/SB/08A and 08B, submitted, e.g., by crossing out the listing of the cumulative information. But see *Semiconductor Energy Laboratory Co. v. Samsung Electronics Co.*, 204 F.3d 1368, 1374, 54 USPQ2d 1001, 1005 (Fed. Cir. 2000) (Reference was not cumulative since it contained a more complete combination of the claimed elements than any other reference before the examiner. "A withheld reference may be highly material when it discloses a more complete combination of relevant features, even if those features are before the patent examiner in other references." (citations omitted).).

37 CFR 1.98(a)(3)(ii) states that if a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c), a copy of the translation shall accompany the statement. Translations are not required to be filed unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

A (3) Concise Explanation of Relevance for Non-English Language Information

Each information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in

37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein with the page(s) and lines of the specification where it is incorporated being noted in the IDS.

The requirement for a concise explanation of relevance is limited to information that is not in the English language. The explanation required is limited to the relevance as understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office. If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required. An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. The requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120.

If information cited or submitted in a prior application relied on under 35 U.S.C. 120 was not in English, a concise explanation of the relevance of the information to the new application is not required unless the relevance of the information differs from its relevance as explained in the prior application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Takuya Nishimura et al.	: Art Unit:
Serial No.:	To Be Assigned	: Examiner:
Filed:	Herewith	:
FOR:	DIGITAL AV DATA TRANSMITTING UNIT, DIGITAL AV DATA RECEIVING UNIT, DIGITAL AV DATA TRANSCIVING SYSTEM, AND MEDIUM	:

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (R&P) submitted herewith. A copy of each of the listed references is also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.


In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

The enclosed references are not in the English language, but were cited by a foreign patent office in a counterpart foreign application. Under MPEP 609A(3) where the non-English language information was cited in a counterpart foreign application search report, the requirement for a concise explanation can be

satisfied by an English language version of the search report. A copy of this English language search report, indicating the degree of relevance determined by the foreign patent office is submitted herewith.

This information disclosure statement is being filed with the above-referenced application. No fee or certification is required. 37 C.F.R. § 1.97(b).

Respectfully submitted,



Allan Kather, Reg. No. 19,717
Attorney for Applicant

AR/lzd

Encls.: PTO Form 1449,

Copy of (9) References

Form 1449

International Search Report (Japanese and English translation)

Dated: October 13, 1999

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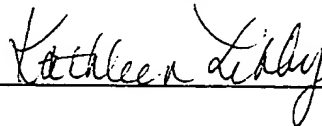
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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

EXPRESS MAIL Mailing Label Number: EJ914196633US

Date of Deposit: October 13, 1999

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Kathleen Libby

Kathleen Libby

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE Information Disclosure Statement by Applicant (Use several sheets if necessary)	ATTY. DOCKET NO. MTS-V03176	SERIAL NO To Be Assigned
	APPLICANT Takuya Nishimura	
	FILING DATE Herewith	GROUP

U.S. PATENT DOCUMENTS

Exmr Initial	Document Number	Date	Name	Class	Sub Class	Filing Date

FOREIGN PATENT DOCUMENTS

Exmr Initial	Document Number	Date	Country	Class	Sub Class	Translation YES NO
	8-214090	8/20/96	Japan			
	59-210782	11/29/84	Japan			
	9-107350	4/22/97	Japan			
	10-224752	8/21/98	Japan			
	6-276188	9/30/94	Japan			
	10-302393	11/13/98	Japan			
	10-304333	11/13/98	Japan			

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

1	"Digital rokuga kiki muke fusei copy boushi gijutsu, konshuu saitakue", NIKKEI ELECTRONICS 1997, No. 696, pg. 20
2	Naoki Endou, "IEEE1394 kousoku serial bus ni okeru contents hogo system," Computer Security Symposium, '98, 1998, Vol. 98, No. 12, p. 119-124.
3	Japanese language International Search Report for Int'l Appln No. PCT/JP99/00533 dated May 18, 1999.
4	English translation of Japanese language International Search Report.

Examiner	Date Considered
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER
Washington, D.C. 20231

OR PATENTS

09/403071

U.S. APPLICATION NO. 09/403071	FIRST NAMED APPLICANT NISHIMURA	ATTY. DOCKET NO. MTS-003176
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5611

INTERNATIONAL APPLICATION NO.

PCT/JP99/00533

RECEIVED

FEB - 2 2000

RATNER & PRESTIA

F.A. FILING DATE

PRIORITY DATE

02/08/99

02/13/98

DATE MAILED

01/31/00

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☒ a Designated Office (37 CFR 1.494), ☐ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

13 Jan 2000
35 U.S.C. 102(e) DATE

13 Jan 2000
DATE OF RECEIPT OF
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 13 Oct 1999 and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventor(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).

☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ have not been entered.
- ☒ Preliminary amendment(s) filed 13 Oct 1999 and
- ☒ Information Disclosure Statement(s) filed 13 Oct 1999 and
- ☒ Assignment document.
- ☒ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed
- ☐ Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Winston Alvarado
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